

speaker to be significantly spaced from the wall or other mounted-to surface, a condition which adversely affected the esthetics of the speaker, and that a single bracket could not be used to mount a speaker in almost all desired positions, requiring either that multiple sets of mounting hardware be included with each speaker or that each speaker be adapted for only limited mounting options. As indicated below, the claimed invention overcomes these limitations in ways neither shown nor suggested in Combest.

As best seen in Figs. 2A and 2B, the first limitation is overcome by having the mounting bracket sized to fit substantially flush in a corresponding recess formed in the speaker enclosure, resulting in the bracket not appreciably increasing the spacing of the speaker from the mounted-to surface. By contrast, as best seen in Fig. 2 of Combest, there is no recess in his speaker enclosure, and therefore, the speaker in Combest is spaced from the corner in which it is mounted by more than the full depth of the bracket. This feature, which is clearly set forth in rejected independent claims 1 and 19 and in rejected dependent claims 7, 8 and 21, is neither shown nor in any way suggested in Combest, nor does Combest provide any motivation for the addition of this feature. The Examiner seems to be suggesting that the holes in the enclosure in which sleeves 96 and 97 fit responds to this limitation in the claims; however, these sleeves are part of mounting plates 28, 32, and not part of corner bracket 26, and neither the corner bracket nor the mounting plates fit substantially flush in a recess in the enclosure. The desired effect is therefore neither achieved nor suggested by this structure. Therefore the indicated claims should be allowable under both 35 U.S.C. 102 and 35 U.S.C. 103 based on this feature alone, and allowance of these claims is respectfully requested.

The second limitation is overcome by the bracket having two truncated side walls at substantially a 90° angle to each other, with a flat back wall therebetween, there being mounting holes in each of the three walls so that each of these walls may be mounted to a mounting surface. The speaker enclosure is correspondingly shaped and has recesses formed in each of its three walls in which the corresponding walls of the bracket may be flush fitted, this assuring that resolving the second limitation does not interfere with solving the first limitation. Further, the post and screw arrangement permits the enclosure to be brought in substantially perpendicular to the mounting surface for attachment to the bracket, rather than first being brought up against the mounting surface and then lowered into engagement with the bracket as in Combest. As

indicated in the application, this feature permits mounting near a ceiling as shown for speaker 12D in Fig 1, or in other tight locations where movement parallel to the wall may not be possible. Thus, the applicant's bracket may be used to mount its speaker in at least all the locations shown in Fig. 1.

By contrast, Combest has only a corner-mount bracket and is adapted only for mounting in a position such as position 12C of applicant's Fig.1. While Combest does have the two truncated side walls at substantially a 90° angle to each other, his rear wall is also in two parts and is therefore not adapted for mounting to a flat surface, for example the 12A mounting. Combest also does not have mounting holes in his side walls so that a 12B mounting is not possible with his structure. As indicated in the Combest specification, the holes in Combest's side walls are for wires to pass through only, and are not intended for, nor are they suitable as, mounting holes.

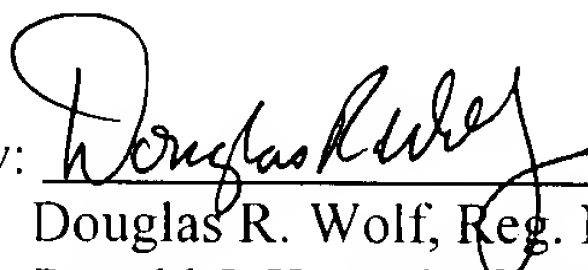
Thus, the independent claims are also allowable for the mention of the posts and the use thereof, and all of the dependent claims are also allowable at least for the reasons discussed above for the independent claims. Further, rejected claims 5 and 6 provide additional details on the post structure; claim 7 details the three-sided enclosure structure with the recesses in each wall, which is nowhere shown or suggested in Combest; claim 8 describes the novel three-sided bracket structure and the fact that each side substantially flush mounts in the corresponding enclosure recess; Claim 9 requires the novel mounting holes in the side walls; claim 10 requires the mounting holes in the flat back wall for mounting to a flat surface, Combest not having the flat back surface, and therefore not having holes therein; claim 13 relates to the corner bracket 71,74 shown in Figs. 2B and 2C and the manner in which these brackets are mounted, features which are neither shown nor in any way suggested by Combest; claim 20 relates to novel features of the mounting post(s); and claims 21-24 correspond to claims 8-11 respectively, claims 21-23 being allowable for the same reasons indicated for the corresponding claims above, and claim 24 corresponding to claim 11 which was indicated as allowable by the Examiner. The bracket hole 52 of these claims is clearly not shown or suggested in Combest and would not be relevant for his corner-mounted bracket.

CONCLUSION

In view of the above, all claims in this application should now be in condition for allowance, and favorable action on these claims is respectfully requested. However, if the Examiner believes that there is still an issue on this application, in order to expedite prosecution, it would be appreciated if the Examiner would contact the applicant's attorney, Ronald Kransdorf, at 760-726-7972 for a telephone interview so that any such issue may be expeditiously resolved. The Examiner's cooperation on this is appreciated.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,  
*Jeffrey N. Cowan, et al, Applicant*

By:   
\_\_\_\_\_  
Douglas R. Wolf, Reg. No. 36,971  
Ronald J. Kransdorf, Reg. No. 20,004  
Wolf, Greenfield & Sacks, P.C.  
600 Atlantic Avenue  
Boston, Massachusetts 02210-2211  
Telephone: (617) 720-3500

x052703